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MEMO ENDORSED

REPLY TO **MONTCLAIR** OFFICE

May 13, 2022

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Via ecf

Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Edwin Cortorreal*, 17 Cr. 438 (VEC)

Dear Judge Caproni:

We write, respectfully, to request that the Court set a trial date for this case in mid-December. As the Court is aware, the matter is set for a complex hearing on the admissibility of the government's DNA evidence analysis beginning July 25, 2022. That hearing is likely to last the entire week. Upon completion, the parties will undoubtedly seek the opportunity to order transcripts and submit written arguments, a process which could go on through Labor Day. Thereafter, the Court will need to review those submissions and render a decision. Consequently, it appears very unlikely that the case will be ready to be tried until late September.

Unfortunately, both Ms. Barrett and Mr. Silverman have trials already scheduled for October. Ms. Barrett's case, *United States v. Mills, et al.*, 16-20460 (EDMI) is a double-homicide RICO case scheduled for a final pretrial conference on September 19, 2022 in Detroit, after which Jencks is due, with jury selection beginning October 24. That trial is expected to last six weeks. Mr. Silverman's case is *United States v. Brown*, 20 Cr. 293 (WFK) in the Eastern District of New York, in which the indictment charges multiple counts of attempted murder and racketeering offenses. That case is scheduled for October 17 and expected to last three to four weeks. Mr. Silverman also has a one-week trial scheduled before Judge McMahon beginning on November 28 in *U.S. v. Lopez Arizmendi*, 20 Cr. 584 (CM), but it is not anticipated that the case will actually proceed to trial.

It is because of these conflicts that we seek a mid-December trial date. As other judges are presently scheduling trial dates, we write to request one for this case as well, as we are

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concerned about it being pushed back farther resulting in a conflict with a case of Ms. Barrett's which is scheduled to begin on January 23, 2023 and last 10 weeks.

Thank you for your consideration of this request.

Respectfully submitted,

Benjamin Silverman
Jean D. Barrett
Attorneys for Edwin Cortorreal

/s/ Jean D. Barrett

By: Jean D. Barrett

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Application GRANTED. Trial for this case will be held the week of **December 5, 2022**. Pre-trial deadlines will be determined at a later date.

SO ORDERED.



Date: 5/25/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE